

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ISABEL LONGORIA and CATHY MORGAN,

§§

Plaintiffs,

§ 8

V.

§

WARREN K. PAXTON, in his official capacity as Attorney General of Texas, KIM OGG, in her official capacity as Harris County District Attorney, SHAWN DICK, in his official capacity as Williamson County District Attorney, and JOSÉ GARZA, in his official capacity as Travis County District Attorney,

Case No. 5:21-CV-1223-XR

Defendants.

§

PLAINTIFFS' NOTICE OF DISMISSAL OF COMPLAINT

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Isabel Longoria hereby dismisses all causes of action in the complaint against defendant Kim Ogg (“DA Ogg”) and Plaintiff Cathy Morgan hereby dismisses all causes of action in the complaint against defendant José Garza (“DA Garza”). Neither DA Ogg nor DA Garza have filed an answer to the complaint or a motion for summary judgment.

Longoria and Morgan brought this lawsuit to enjoin enforcement of Texas Election Code §§ 276.016(a)(1) and 31.129 as violative of their First Amendment rights. In light of recent developments, however, these provisions no longer apply to them.

Longoria brought suit because she reasonably feared prosecution and civil penalties as the Harris County Elections Administrator. Both challenged provisions apply to “election officials,” which is defined in the Election Code to include election administrators. *See Tex. Elec. Code § 1.005(4-a)(C).* On July 1, 2022, Longoria resigned her position as Harris County Elections Administrator and is therefore no longer subject to these provisions.

Morgan brought suit because she reasonably feared prosecution as a Volunteer Deputy Registrar. In addition to election officials, Section 276.016(a)(1) also applies to “public officials,” which is left undefined in the Election Code. On June 10, 2022, the Texas Supreme Court ruled that, at least for purposes of this case, Morgan is not a public official. She is therefore not subject to the provision.

Dated: July 1, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on July 1, 2022, the foregoing document was filed electronically with the United States District Court for the Western District of Texas via CM/ECF. As such, this Notice of Dismissal of Complaint was served on all counsel who have consented to electronic service.

/s/ Ethan J. Herenstein
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